

### **REMARKS**

Claims 1-7 were previously withdrawn from consideration as being drawn to a non-elected species and claims 9 and 10 were previously canceled. Claim 8 is currently amended. Accordingly, claims 1-8 are pending in the application and claim 8 is presented for reconsideration and further examination in view of the foregoing amendments and following remarks.

In the outstanding Office Action claim 8 was rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,411,442 to Ota et al. in view of Japanese Patent No. 11-120594 to Kasami et al., U.S. Patent No. 4,927,247 to Tanaka et al. and Applicants' Admitted Prior Art (AAPA).

The Office Action of April 21, 2005 has been reviewed and the comments therein carefully considered.

By this Amendment claim 8 has been amended. Support for the amendments to claim 8, can be found for example, in the originally filed specification on pages 1 and 2 (regarding the blue laser light), and on page 6 (regarding a wavelength less than 650 nm). As amended, the rejection of claim 8 is traversed.

It is respectfully submitted that the above amendments do not introduce any new matter within the meaning of 35 U.S.C. § 132.

**Rejections Under 35 U.S.C. § 103(a)**

The Examiner rejected claim 8 as being unpatentable over Ota et al. in view of Kasami et al., Tanaka et al., and AAPA.

Reconsideration and withdrawal of the rejection is respectfully requested.

To establish a *prima facie* case of obviousness, the Examiner must establish: (1) that some suggestion or motivation to modify the references exists; (2) a reasonable expectation of success; and (3) that the prior art references teach or suggest all the claim limitations. Amgen, Inc. v. Chugai Pharm. Co., 18 USPQ2d 1016, 1023 (Fed. Cir. 1991); In re Fine, 5 USPQ2d 1596, 1598 (Fed. Cir. 1988); In re Wilson, 165 USPQ 494, 496 (C.C.P.A. 1970).

It is respectfully submitted that the combination of references fails to teach or suggest all the features as set forth in amended independent claim 8.

In addition to the objective lens of the present invention satisfying the four conditions recited in amended claim 8, the feature of the present invention resides in that the lens has a numerical aperture of 0.78 or more, converging a blue laser light having a wavelength less than 650 nm.

On pages 2 and 3 of the Office Action, the Examiner stated that Figure 1a in Ota et al. shows that  $|R1/R2| < 0.7$  is satisfied. Specifically, the Examiner states that "Figure 1a shows the curvature radius R2 of the second surface close to infinity, i.e., the expression  $R1/R2$  approaches zero." However, the details of the lens shown in Figure 1a are shown in TABLE2 (column 19) in which R1 is 1.72078 and R2 is -1.92753, and accordingly  $|R1/R2| < 0.7$  is not satisfied.

Therefore, at least one of the four conditions recited in claim 8 of the present invention is distinguished over Ota et al.

The Examiner cited Kasami et al. as teaching a 0.3 mm thick transmission layer; Tanaka et al. as teaching a working distance of at least 0.4 mm; and AAPA as teaching a wavefront aberration of  $0.04 \lambda$  or less when a first surface and a second surface are not co-axial by  $5 \mu\text{m}$ , in an attempt to cure the deficiencies of Ota et al.

However, AAPA, specifically page 4, lines 30-36 of the originally filed specification of the present application, discusses a lens for a DVD used with a red laser, and on page 3, line 19 to page 8, line 7, descriptions about the difficulty in designing a lens that can be manufactured in view of eccentricity tolerance between the surfaces thereof and that has a good aberration characteristic is discussed.

As apparent from the recitations in claim 8 that originally recited “having a numerical aperture of 0.78 or more” and that as amended recite “a blue laser light having a wavelength less than 650 nm,” the present invention does not claim a lens for a DVD, but instead claims a lens used with a blue laser. Particularly, in the present invention, a specific condition of a lens used with a blue laser enables the lens to be manufactured in view of an eccentricity tolerance between the surfaces thereof and thus has a good aberration characteristic.

In the prior art, it was difficult to design a high numerical aperture lens for a laser having a short wavelength that satisfies both the eccentricity tolerance and the aberration characteristics. This invention solves such a problem.

In view of the above, Applicants respectfully submit that the present invention as recited in amended claim 8 patentably defines over Ota et al., Kasami et al., Tanaka et al., and AAPA, taken either alone or in combination.

Thus, all of the cited references fail to teach or suggest all the limitations of amended claim 8, to achieve the novel and non-obvious features of the present invention.

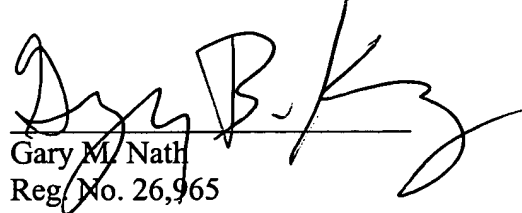
Accordingly, reconsideration and withdrawal of the rejection under 35 U.S.C. § 103(a) is respectfully requested.

#### CONCLUSION

In light of the foregoing, Applicants submit that the application is in condition for allowance. If the Examiner believes the application is not in condition for allowance, Applicants respectfully request that the Examiner contact the undersigned attorney if it is believed that such contact will expedite the prosecution of the application.

Respectfully submitted,

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